

File No. 220023

Committee Item No. \_\_\_\_\_

Board Item No. 28

# COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: January 25, 2022

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- Mayor Forty-Second Supplement \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Lisa Lew

Date: January 7, 2022

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Second  
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Forty-Second Supplement to**  
4 **the Proclamation of Emergency to meet the ongoing local emergency related to the**  
5 **novel coronavirus COVID-19 pandemic by authorizing the Director of Human**  
6 **Resources, until March 31, 2022, to waive or modify provisions of the Memoranda of**  
7 **Understanding with labor organizations representing sworn employees of the Fire**  
8 **Department and the Sheriff’s Department related to compensation, including overtime**  
9 **and premium pay, and to waive Charter or Administrative Code provisions limiting the**  
10 **cash out of accrued vacation balances, upon a written determination that such waivers**  
11 **are necessary or appropriate to ensure appropriate staffing at the departments to carry**  
12 **out essential government services and respond to the pandemic.**

13  
14 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local  
15 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

16 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the  
17 Existence of a Local Emergency to the Board of Supervisors (the “Proclamation”), and on  
18 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions  
19 taken by the Mayor to meet the emergency; the Proclamation and the Board’s concurring  
20 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

21 WHEREAS, On November 4, 2021, the Mayor issued the Fortieth Supplement to the  
22 Proclamation, authorizing the Human Resources Director to provide compensation incentives  
23 to existing employees in the Fire Department to encourage them to work in lieu of taking paid  
24 time off and to work overtime shifts, to address staffing shortages and to ensure the continuity  
25 of services due to unusually high resignations and retirements over 2020 and 2021 due to the

1 COVID-19 pandemic and the City employee vaccination mandate and due to some members  
2 being separated from employment for failing to comply with the employee vaccination  
3 mandate; and

4 WHEREAS, Staffing shortages in the Fire Department persist for the reasons identified  
5 in the Fortieth Supplement to the Proclamation and the City anticipates further staffing  
6 shortages may result from employees taking sick leave due to the spread of the COVID-19  
7 Omicron variant; and

8 WHEREAS, The pandemic and diversion of resources and personnel to the pandemic  
9 response have also limited the City's ability to safely conduct examinations in the Sheriff's  
10 Department and to run training academies, limiting the ability to replace departing employees  
11 with properly trained new hires, and the Sheriff's Department is experiencing staffing  
12 shortages due to resignations, retirements, and vaccination-related separations, and the  
13 Department anticipates that these shortages will be exacerbated by employees taking sick  
14 leave due to the Omicron variant; and

15 WHEREAS, On December 30, 2021, the Mayor took an additional step to meet the  
16 emergency by issuing the Forty-Second Supplement to the Proclamation, ordering one action  
17 to meet the emergency; the Forty-Second Supplement is on file with the Clerk of the Board of  
18 Supervisors in Board File No. 220023 and

19 WHEREAS, Government Code, Sections 8550 et seq., and Charter, Section 3.100,  
20 provide for the concurrence by members of the Board of Supervisors in such emergency  
21 declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

22 MOVED, That the Board of Supervisors concurs with the following action taken by the  
23 Mayor to meet the local emergency included in the Mayor's Forty-Second Supplement to the  
24 Proclamation, dated December 30, 2021, as such action is described in full in the Forty-  
25 Second Supplement and summarized as follows:

1                   Action 1:     Revising and replacing the Fortieth Supplement to the  
2 Proclamation by authorizing the Director of Human Resources, until March 31, 2022, to waive  
3 or modify provisions of the Memoranda of Understanding with labor organizations  
4 representing sworn employees of the Fire Department and the Sheriff’s Department related to  
5 compensation, including overtime and premium pay, and to waive Charter or Administrative  
6 Code provisions limiting the cash out of accrued vacation balances, upon a written  
7 determination that such waivers are necessary or appropriate to ensure appropriate staffing at  
8 the departments to carry out essential government services and respond to the pandemic.

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10 n:\govern\as2021\2000377\01574492.docx



**FORTY-SECOND SUPPLEMENT TO MAYORAL PROCLAMATION  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED  
FEBRUARY 25, 2020**

**WHEREAS**, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

**WHEREAS**, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

**WHEREAS**, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

**WHEREAS**, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

**WHEREAS**, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

**WHEREAS**, On November 4, 2021, the Mayor issued the Fortieth Supplement to the Proclamation, authorizing the Human Resources Director to provide compensation incentives to existing employees in the Fire Department to encourage them to work in lieu of taking paid time off and to work overtime shifts. The Mayor took this action to address staffing shortages and to ensure the continuity of services due to unusually high resignations and retirements over 2020 and 2021 due to the COVID-19 pandemic and the City employee vaccination mandate and due to some members being separated from employment for failing to comply with the employee vaccination mandate; and

**WHEREAS**, Staffing shortages in the Fire Department persist for the reasons identified in the Fortieth Supplemental Proclamation. Additionally, the City anticipates further staffing shortages may result from employees taking sick leave due to the spread of the COVID-19 Omicron variant; and



**WHEREAS**, The pandemic and diversion of resources and personnel to the pandemic response have also limited the City's ability to safely conduct examinations in the Sheriff's Department and to run training academies, limiting the ability to replace departing employees with properly trained new hires, and the Sheriff's Department is experiencing staffing shortages due to resignations, retirements, and vaccination-related separations. The Department anticipates that these shortages will be exacerbated by employees taking sick leave due to the Omicron variant; and

**WHEREAS**, To ensure the continuity of City services in the Fire Department, it is in the public interest to extend the authority of the Human Resources Director to provide certain compensation incentives to existing employees to encourage them to work in lieu of taking time off, and to also provide the Human Resources Director this authority with respect to the Sheriff's Department;

**NOW, THEREFORE,**

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

**In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:**

Section 1 of the Fortieth Supplement to the Proclamation is revised and replaced as follows:

The Human Resources Director is delegated authority to waive or modify provisions of the Memoranda of Understanding with labor organizations representing sworn employees of the Fire Department and the Sheriff's Department related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate to ensure appropriate staffing at the departments to carry out essential government services and respond to the pandemic. This Order shall



remain in effect until March 31, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: December 30, 2021

A handwritten signature in blue ink that reads "London Breed".

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London N. Breed  
Mayor of San Francisco

**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor  inquiries"
5. City Attorney Request.
6. Call File No.  from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Motion concurring in actions taken by the Mayor in the Forty-Second Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by authorizing the Director of Human Resources, until March 31, 2022, to waive or modify provisions of the Memoranda of Understanding with labor organizations representing sworn employees of the Fire Department and the Sheriff's Department related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate to ensure appropriate staffing at the departments to carry out essential government services and respond to the pandemic.

Signature of Sponsoring Supervisor: